

MINUTES  
PAGE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
JULY 20, 2010

Members Present:           Johnny Woodward, Chairman, At Large  
                                  Robert Griffith, District 1  
                                  Larry Sours, District 2  
                                  J. D. Cave, District 3  
                                  Darrell Short, District 4  
                                  Jeff Vaughan, District 5

Staff Present:             Amity Moler, Finance/HR Director  
                                  Regina Miller, Executive Secretary

Media & Others Present:   10 Citizens

**Call to Order:**

Chairman Johnny Woodward called to order the regular meeting of the Page County Board of Supervisors on July 20, 2010 at 7:00 p.m. at Shenandoah Elementary School, noting a quorum was present. This was followed by the *Pledge of Allegiance* and a Moment of Silence.

**Adoption of the Agenda:**

Supervisor Cave suggested that discussion of the letter from Lowell Baughan, Chairman of the Economic Development Authority be added to the agenda.

It was the consensus of the Board to add this discussion to the agenda prior to Supervisors Time.

**Comments by Supervisor Short:**

Supervisor Short commented that since Supervisor Griffith is getting married on Saturday, July 24<sup>th</sup> he wanted to wish him and his bride-to-be the best of luck in the future.

**PRESENTATIONS**

**Landfill Presentation:**

Doris Lansberry explained that in 2004 the citizens were concerned about the oversight of the landfill, specifically in terms of invoices and contracts, so much that a lawsuit was filed and has not been dismissed because there were ongoing problems pointed out in the lawsuit, which continue today. The lawsuit asked for an audit of certain records by Certified Public Accountants. On October 13, 2004, the court ordered the audit and appointed PBGH of Harrisonburg to conduct it. The audit report was filed with the court, and a copy was sent to the County Attorney on February 27, 2009. The audit confirmed that the management of the two landfills had been deficient. It identified problems with the way the County processed and approved invoices, and how contracts were entered

into, without following state law. By law, all claims presented to the County for payment must be pre-audited, by the Board or a delegated official. The pre-audit is to verify whether the claims submitted for contractual services and material/supplies have been verified before paying. Such claims must have an itemized statement or invoice. A claim that has only the amount due is not acceptable. By law, any contract amount for services in excess of the stated amount in the law requires competitive bidding, with the intent to save taxpayers money by getting the best price. Sole source contracts can only be awarded when one company provides the needed services. She stated that these are general descriptions of what was brought out in the lawsuit.

In the audit report, there were several recommendations. One was that the County should develop written, legal, and procedural requirements that must be complied with prior to the payment of invoices. The audit even recommended employee training to ensure compliance. The audit report also recommended that the County prepare and adopt a procurement policy, based on state law requirements.

Ms. Lansberry then proceeded with summarizing the debt obligations on the landfill. The annual payment on the \$13 million USDA loan for the Battle Creek Landfill totals \$742,620, which will not be paid off until 2046. Based on the life expectancy of the landfill, it will be closed before the payment of the loan. Over \$8 million of the \$13 million loan was used to settle contract disputes with the former landfill operator. The remaining balance was used by the County to fix problems at the landfill or to reopen after state closure, and to pay operation costs. There is also a \$931,000 loan dating back to 2002, sometimes referred to as the jail loan. This involved the County leasing the jail to the EDA for \$10, and then EDA leasing the jail back to the County. The jail lease was used as security for a loan, which has a payment of \$96,000 a year. The total payment of those two loans annually is \$840,687. In addition to the annual loan payments, the County has to cover the operating costs at the landfill, which include engineering costs. The payment to engineers for the past six years averages \$383,000 annually. The revenue of the Warren County contract does not cover landfill debt and operational costs, nor does other revenue sources. Based on a bankruptcy court filing by the prior operator at Battle Creek, they made a profit of over \$3 million in 2003. Although the citizens do not expect the County to turn Battle Creek into a profit-making venture, they do believe that the County can take immediate steps to control costs, which eventually can lead to a break-even point.

The Department of Environmental Quality (DEQ) has requested the County to install additional groundwater monitoring wells at the Stanley Landfill under a corrective action plan. The plan resulted from certain metals being found in water samples that exceeded established standards. The County has been requesting a delay of the installation of these wells due to budget constraints. However, on March 19, 2010, the County received a warning letter from DEQ stating that if these wells were not installed by a certain date, the County would be forced into a consent order and possibly fined. While asking for a delay in construction of the Stanley wells, the County, on June 1, 2010, submitted a letter to DEQ notifying them of the intent to install a leachate recirculation system at Battle Creek lowering the base grades and redesigning Battle

Creek from a present four phases to five phases. A similar proposal was submitted to DEQ in 2006. At that time, there was major citizen opposition to lower the base grades, due to the fact that there are tributaries and streams near the landfill boundary that flow into the South Fork of the Shenandoah River. The landfill, in 1995, was permitted with five phases. In 2001, the County had it redesigned to four phases. Now, in 2010, the County is proposing to go back to five phases. Leachate recirculation was proposed in 2006, and again in 2010. This has many drawbacks, and Battle Creek Landfill does not seem like a candidate for leachate recirculation. She said that no document was found showing the costs versus benefits of these costly redesign plans, including leachate recirculation.

Because of past problems with landfill oversight, contracts, and invoices, the lawsuit ensued. She then continued to cite examples regarding the problems with invoices today. In May and September 2009, invoices were paid to a construction company for the construction of cell #9. It appears as if the invoices were paid before the work was found to be satisfactory. The operations manual for the landfill says that we cannot have only clay liner as the bottom liner, blocks in excess of 3/8 of an inch, or other sharp objects. When DEQ inspected the clay liner on July 30, 2009, they found blocks in excess of 3/8 of an inch and other sharp objects. However, it appears the contractor was paid before DEQ found the clay liner acceptable. It was not until December 29, 2009, when the County's engineer certified cell #9 as acceptable. In other words, the cell could not receive a certificate to operate until the clay liner was brought into compliance. In addition, it appears as if the County paid the company that provided the liner prior to a certification being made that the clay liner was acceptable. From July 31, 2008 to February 28, 2010, the County paid an engineering firm \$113,766.40 for office engineering for cell #9. She said that cell #9 is comparable in size to cell #8 and are located back to back. From the invoices listing office engineering, they could not determine why this cell was so expensive. Invoices submitted were paid without the itemized cost for each task. There was no listing of the hourly rate charged by the consultant's personnel and some invoices had as many as 14 or more professionals involved with no hourly rate. Monthly invoices at times would say that a task had been completed, but were continued to be listed in successive month's invoices. Again, there was no price attached to each task, so it could not be determined what the task cost the taxpayers. She noted that it was difficult to determine from invoices submitted by consultants the difference between services provided. Based on invoices submitted by consultants, the County not only paid for the annual groundwater monitoring report, but also paid them to submit it to DEQ. Invoices were often paid, which listed project management professional services or routine O&M, with no identity of what work was performed under those categories. Other invoices listed subconsultants, which did not include name or work performed by them. The County is billed for the quarterly sampling of leachate; however, DEQ does not require the monitoring of leachate, but the County has to keep records of the amount of leachate collected and hauled to the wastewater treatment plant for on-site review by DEQ. On December 14, 2009, the consultants submitted a letter to DEQ requesting use of a HDPE textured liner. However, it appears from an invoice, dated October 31, 2009, that the County paid \$8,435 for a one paragraph letter. Ms. Lansberry remarked that years ago four of seven

groundwater observation wells were placed where trash had to go at the landfill. The four wells had to be abandoned and the cost to the taxpayers is unknown. This happened even though the County had a consulting firm and DEQ's approval of placement of the wells. It was also found that the County paid over \$6,000 to an engineering consultant in connection with the \$13 million USDA loan and it has not been determined why an engineering firm had to participate in a loan application to a federal agency. The County paid an engineering consultant \$103,067.37 to design a transfer station. The invoices for the transfer station were submitted, between July 31, 2004 to June 30, 2005, when the landfill was closed by the state.

Ms. Lansberry then presented recommendations to the Board, in order to avoid costly expenditures to the taxpayers. Groundwater samples are collected on a semi-annual basis at, both, Stanley and Battle Creek Landfills. This involves taking water samples from the wells and placing them in approved containers and shipped to the lab. There is a standardized form demonstrating compliance for the chain of custody. Since this appears routine, the question arises as to whether or not the County would consider having employees do this type of work, thus savings money to the taxpayers. Gas monitoring involves reading meters and recording the readings to DEQ. This is also a function that employees could perform. She also recommended that the Board hire an advisor at the landfill, who would report directly to the Board to conduct the monitoring requirements and oversee operations and maintenance of the landfills. The County has paid consultants during the past six years \$2.3 million, averaging to \$383,000 annually. A qualified advisor would drastically cut this cost. On April 4, 2006, a contract was signed by the Director of Public Works, but no record of Board approval was found nor any record to demonstrate compliance with procurement laws, including soliciting bids from other contractors. From July 31, 2004 to May 31, 2010, the County has paid this firm approximately \$2 million. The County was unable to locate a contract for the second consulting firm. Between 2005 and May 2010, the County paid the second firm \$332,452.28. The problem facing the taxpayers is coming up. This involves the fact that the \$5 million the County had at its disposal from the \$13 million borrowed has been used. This means that the next cell constructed at the landfill will be paid directly from the taxpayers. Increasing the amount of trash taken at Battle Creek from the present 350 tons per day will only shorten the life of the landfill. She mentioned that it is not known, specifically, what the life of the landfill is, but the latest report on file with DEQ from 2007 gave the life of the landfill at 28.8 years. Each year the County has to project the post-closure and 30-year monitoring costs for both landfills. The total cost in 2009 was \$6,523,000.21. The economic development in this County depends on whether this Board and future Boards can control the spending at the landfill.

Jo Ann Smeltzer continued with the presentation addressing the problems ongoing at the landfill. On January 4, 2010, DEQ approved minor permit amendment #9 allowing use of a textured HDPE geo-membrane as an alternate to the bottom liner at Battle Creek. The County's engineer consultant submitted the request on December 14, 2009, to DEQ on behalf of the County. However, based on amendment #2 to the landfill permit, DEQ had already approved the use of the bottom liner, on January 7, 1999. According to information provided by DEQ, cells #7 and #8 have the textured HDPE



geo-membrane as part of the bottom liner system. Along with the permit amendment request, the consultant submitted specifications for this textured liner. According to the County's engineering consultant, the technical specifications are the current standards used by the industry. There is no indication that the County's consultant wrote the industry's technical standards, but merely submitted these standards to DEQ. If this is all that was involved, couldn't the County have submitted those standards to DEQ? Ms. Smeltzer pointed out that, on November 24, 2009, the County paid these consultants over \$8,500 for this permit amendment. Why did DEQ require an amendment to add these specifications for this textured liner in cell #9 when they did not require it for cells #7 and #8, both having textured liners?

From July 31, 2008 to May 31, 2010, the County's engineering consultants submitted an invoice totaling \$87,106.06 for a major permit amendment for Battle Creek Landfill. The same consultant submitted to DEQ, on June 2, 2008, on behalf of the County, a notice of intent to submit a major permit amendment of the County's proposal to lower the base rate an average of five feet to increase the airspace capacity, which will extend the life of the landfill and facilitate leachate recirculation. They also stated that the major permit amendment will increase storage capacity and redesign the landfill to five phases from the present four. She said it is difficult to determine whether the June 1, 2010 proposal is the same as the similar proposal submitted by the same firm to the Board of Supervisors on March 7, 2006. At that time, the engineering firm proposed lowering the base grade by an average of five feet and to do the leachate recirculation. Based on the June 1, 2010 letter, the County is to incorporate leachate recirculation again. Such a proposal was made to the Board on March 7, 2006. Leachate recirculation is used to increase methane production. Some benefits to leachate recirculation include saving the taxpayers the cost of transporting leachate to a wastewater treatment plant. However, the Environmental Protection Agency has identified serious drawbacks to leachate recirculation, including higher initial capital costs, increased gas emission in other instability in waste due to increased moisture, and monitoring and controls. It also increases the risk of groundwater contamination. She pointed out that there has been a major odor problem at Battle Creek and this is why the County had to install 15 flares at a cost of \$45,000 last year.

Ms. Smeltzer continued that another proposal in the June 1, 2010, notice of intent to redesign Battle Creek was from four phases to the originally permitted five phases. The five phases were permitted by DEQ on February 21, 1995. However, on April 20, 2001, the DEQ permit was amended to redesign the landfill from five phases to four phases, without any change to the footprint. Now, in 2010, the County is proposing to change it back to five phases, without any change to the footprint. What are the benefits to the frequent changes in the number of phases and what does it cost the taxpayers? Did the Board approve the June 1, 2010 submission of the notice of intent to DEQ? She said over \$87,000 has already been spent in engineering fees alone. She checked with DEQ and there are only three landfills in Virginia using leachate recirculation and she suggested the Board check with them before spending more money on this amendment. She urged the Board to do a financial and environmental cost analysis before spending more money on this major permit amendment, which could cost as

much as \$22,000. DEQ requires the County to have enough staff at Battle Creek to handle 3,500 tons per day, but the landfill only takes in 200 tons per day. This means there is 1/3 more staff than necessary to process 200 tons. Therefore, there should be enough staff at Battle Creek to perform some of the duties that consultants are paid to do, like the water sampling. She indicated to the Board that this presentation only focused on a few invoices noting that they did not review the cost of operating the landfill, such as salaries, equipment and gas, nor did they review invoices for other departments. The landfill is a tremendous drain on the County's budget, she said. We are hopeful that the Board will take a long hard look at these issues that have been presented and adopt the finance recommendations of the auditing firm.

### **PUBLIC COMMENTS**

Barbara Coulter commented that Ms. Lansberry and Ms. Smeltzer put a lot of work into their presentation. She said that what they have presented could be a savings for the County, especially the recommendations from the lawsuit audit.

John Rogerson remarked that he is one of the individuals who filed the lawsuit against the County. It was done in an effort to try and recoup money for the County because the County paid invoices for work that was not being conducted. The citizens ask that the Board follow Virginia state law. He then commented regarding the solid waste contract with Warren County stating that the contract is a good deal for them, but costly for Page County citizens.

Lee McWhorter thanked Chairman Woodward for working on the leak in the County Office Building; however, he stated that he should have been wearing safety equipment. He then commented on the odor at Battle Creek Landfill.

### **ACTION MATTERS**

#### **School Board Fee Waiver Request:**

Chairman Woodward stated that a letter was received from School Superintendent Dr. Randy Thomas requesting a waiver on the building, electric, plumbing, and zoning fees for the relocation of two modular units from Luray Middle School to the Page County Technical Center.

Supervisor Sours expressed that he did not have a problem with waiving the fees for the School Board, since the expense would be from within the County government.

Supervisor Vaughan said it all comes down to taxpayer dollars, and the Board needs to be consistent with its decision making. When it comes to waiving fees, he disagreed with Supervisor Sours. The Building and Zoning Departments have to pay their expenses. When the Building Official conducts inspections he should have a record of the time spent on it, as well as the funds appropriated from the fees to offset the costs. These types of requests should be budgeted and documented on what the department is doing. If fees are waived then there is no accountability or transparency. This is why it is important to be consistent.

Supervisor Cave remarked that he could see both sides of the issue and each department has to budget for this type of request.

Supervisor Griffith agreed with Supervisor Vaughan in that the Board needs to be consistent when it comes to making decisions and waiving fees.

**Motion:**

Supervisor Cave moved to approve the request from the School Board to waive the building, electric, plumbing, and zoning fees. Supervisor Sours seconded and the motion was defeated by a vote of 4-2. Aye: Sours, Cave. Nay: Griffith, Short, Vaughan, Woodward.

After the vote was taken, Chairman Woodward indicated that he meant to vote aye.

**School Board Utility Access Right-of-Way Request:**

Chairman Woodward explained that the School Board is requesting a 22 foot wide by 525 foot long utility access right-of-way along side of State Route 741 on County owned property. This access will be used to supply separate power to the new Child Development Center at the Page County Technical Center.

**Motion:**

Supervisor Vaughan moved to approve the utility access right-of-way, as requested. Supervisor Short seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

**VRS Resolution:**

Amity Moler, Finance/HR Director, explained that, at the June 15<sup>th</sup>, meeting the Board approved to pick-up the 5% member contribution for the Plan 2 employees who participate in the Virginia Retirement System after July 1, 2010. The Board now needs to adopt the Resolution authorizing to pick-up the employee's contribution to VRS under Section 414(h) of the Internal Revenue Code.

**Motion:**

Supervisor Short moved to adopt the Resolution acknowledging that Page County elects to pick-up the 5% member contribution as detailed in the Resolution. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

\* \* \* \* \*

#10-22  
RESOLUTION

Authorization to Pick up the Employee's Contribution to VRS  
Under 414(h) of the Internal Revenue Code for Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including Page County to pick –up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (June 1 – June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et. seq; and

WHEREAS, Page County desires to pick-up and pay its Plan 2 Employees' member contribution to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of August, Page County shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by Page County in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by Page County directly instead of having them paid to VRS.

\* \* \* \* \*

**Board and Commission Appointments:**

Regina Miller, Executive Secretary, reviewed the Board and Commission appointments with the Board as follows:

Economic Development Authority:

Bruce Arnold has resigned as the District 4 representative on the EDA. Another individual will need to be appointed to fill the unexpired term through January 31, 2013.

Supervisor Short mentioned that he knows a person who is interested in serving; however, he said he would like to hold the position open for a few months in order to get through some of the current issues.

Planning Commission:

Sandie Hammel has resigned as the District 5 representative on the Planning Commission. Another individual will need to be appointed to fill the unexpired term through January 11, 2013.

Supervisor Vaughan said he would like to defer this appointment because he is still trying to find an individual to serve.

Shenandoah Area Agency on Aging – Board of Directors:

John Graves' first term on the SAAA Board expires on September 30, 2010. The SAAA Board has requested that he be reappointed for a second four-year term and Mr. Graves would like to continue serving. Also, Bruce Arnold's second term will expire on September 30, 2010 and he will not be eligible to serve again. Helen Cockrell, SAAA President/CEO, has recommended Terry Pettit for the appointment and he has agreed to serve.

**Motion:**

Supervisor Cave moved to nominate John Graves and Terry Pettit to the Shenandoah Area Agency on Aging Board of Directors representing Page County for a four-year term beginning October 1, 2010 and expiring September 30, 2014. Supervisor Griffith seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

Lord Fairfax Community College Board:

Dr. Cathy Glenn has resigned from the College Board. Another individual will need to be appointed to fill the unexpired term through June 30, 2012. Regular meetings of the Board are held during the months of August, October, December, February, April, and June at the Middletown or Fauquier Campus of the College.

This appointment was deferred until the August meeting.

Shenandoah Valley Workforce Investment Board:

The term of Ira (Mike) Lowe has expired as Page County's private sector Workforce Investment Board member. Mr. Lowe has indicated a desire to remain on the Board for another term and the Workforce Investment Board has recommended him for reappointment. The Supervisors will need to make the nomination to the Governor who will make the official appointment.



**Motion:**

Supervisor Sours moved to nominate Ira (Mike) Lowe to the Workforce Investment Board as the private business sector representative for Page County for a four year term. Supervisor Griffith seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

Board of Equalization:

Appointments will need to be made to the Board of Equalization prior to January 1, 2011. The Board will need to recommend appointees to the Circuit Court for appointment. In order to be eligible for appointment, each prospective member of such board shall attend and participate in the basic course of instruction given by the Department of Taxation. Pursuant to the Code of Virginia, the Board of Equalization shall be composed of not less than three or more than five members. Thirty percent of the members of the board shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers, or legal or financial professionals, and at least one such member shall sit in all cases involving commercial, industrial or multi-family residential property, unless waived by the taxpayer. The term of the Board shall expire one year after the effective date of the assessment for which they were appointed.

**CONSENT AGENDA**

**Motion:**

Supervisor Vaughan moved to approve the consent agenda as follows:

- Financial reports for the period of June 1, 2010 through June 30, 2010;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,380,702.23;
- Minutes of June 1, 2010, June 8, 2010, June 15, 2010, and June 17, 2010.

Supervisor Short seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

**OLD BUSINESS**

**Jail Kitchen Storage Space:**

Sheriff John Thomas indicated that at the last Board meeting he requested to be able to carryover \$6,500 from last year's budget for this project. He presented a drawing for the design of the room and estimated that the total cost will be \$4,750 for the building materials, with the labor to come from the inmates. He noted that Mr. Kenny Fox, Building Official, approved the building design.

Supervisor Vaughan asked the Sheriff if he checked pricing for the materials with the local supply company. The Sheriff replied that at the time the prices were compiled the company was not open, but he will ask them for their pricing.

On another matter, Sheriff Thomas addressed waiving building permit fees for use of the Sheriff's Office tent, noting that every time the tent is erected a building permit has to be obtained. The tent is not a function of the Sheriff's Office but is for the use of 501c(3) organizations, schools or any public entity and churches as long as services are not conducted under the tent. In addition, alcohol cannot be served under the tent and cover charges cannot be imposed by the user. In the past, the fees have been waived for the building permit and inspection by the Building Official. He asked if the Board would like for the organizations using the tent to pay for the permit or will the Board continue to allow the waiver of fees. The Sheriff's Office owns the tent through a grant, which dictates how the tent can be used. In addition, the grant requires the Office to meet all the standards for setup.

Supervisor Vaughan remarked that the organizations using the tent should be requesting the permit. He asked who is responsible if the tent falls. Mrs. Moler interjected that the County requires a certificate of insurance from every user. Since this is the case, Supervisor Vaughan said the user should then apply and pay for the proper permit. This transaction goes through the Building and Zoning Department and since Mr. Fox has to make an inspection then he has to be accountable for his time.

**Motion:**

Supervisor Cave moved to approve the Sheriff's request for the storage space addition to the jail. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

**Motion:**

Supervisor Vaughan moved that the Sheriff's Office handle the appropriate paperwork for the user requesting the tent and that the user will pay the appropriate fees to offset the expense to the Building and Zoning Department. Supervisor Short seconded and the motion failed due to a tie vote of 3-3. Aye: Griffith, Short, Vaughan. Nay: Sours, Cave, Woodward.

**Reappointment of the Office Building Committee:**

Chairman Woodward expressed that he will defer the reappointment of the office building committee until the August 3<sup>rd</sup> work session. He said he would also like to include two School Board members on the committee and will need the School Board to indicate who they want to serve.

**Update on Shenandoah Rescue Squad:**

Chairman Woodward reported that he received a reply from the auditors conducting the audit of the Shenandoah Rescue Squad. The 90-day notice to terminate the franchise agreement with the Squad expires on August 23, 2010, and this is the date when their license will be pulled if no action is taken. The audit appears to be fine and this matter will be discussed further during closed session at the August 3<sup>rd</sup> work session.

## **NEW BUSINESS**

### **Update on the Glass Grinder Equipment:**

Supervisor Short indicated that he attended a meeting of the Northern Shenandoah Valley Regional Commission's Solid Waste Technical Committee along with Lynda Minke and James Hilliard from the landfill. The others in attendance were landfill operators from counties in the region and everyone was extremely helpful and offered help to make the County's landfill operation better. In addition, they invited him and County staff to visit their facilities. At the meeting, they discussed the two operations shared by the region, which is the tire shredding and glass grinder.

Regarding engineering services at the landfill, he said he is going to schedule a meeting with the engineers and he encouraged the other Supervisors to attend. Also, he, along with Mrs. Minke and Mr. Hilliard are going to tour the landfill operations in Frederick County and Shenandoah County in the near future.

Lynda Minke, Battle Creek Landfill Office Manager, explained that discussions concerning the glass grinder began in 2003 and it was to be placed at the Shenandoah County Landfill. The equipment was purchased by the Northern Shenandoah Valley Regional Commission and placed in Shenandoah County in 2005. She explained that Shenandoah County has had a lot of problems with the grinder and the region wanted to get rid of the grinder; however, Henry Mikus (former Public Works Director) wanted to keep it and house it in Page County. Shenandoah County recommended charging \$34.00 for each ton that was ground, but we were charging \$24.11 for every ton, with the exception of one company who was charged \$13.00 per ton. Page County was then paying the region \$13.00 per ton. Mrs. Minke outlined that there are safety issues with the machine and it is not cost effective. She presented a profit loss evaluation compiled from July 15, 2007 through July 14, 2010, stating that if the remaining 926.96 tons at the site were ground, the County would suffer a \$16,960.42 loss. For some time, the recommendation of the region has been to sell the machine because it is not cost effective and if the grinder is returned to the region they will sell it. With that said, there is a large pile of glass at the landfill, and the DEQ inspector has remarked they would like to see it cleaned up. DEQ has given the option to crush the glass and mix it with soil and use it as an alternate source of daily cover just to clear up the pile. It was noted that the Committee needs to know by August 16<sup>th</sup> of the County's desire to continue or discontinue the grinder program.

Supervisor Vaughan commented that the County needs to get out of the glass grinding business.

### **Motion:**

Supervisor Vaughan moved to discontinue use of the glass grinder and get out of the glass grinding business at the landfill. Supervisor Short seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

Leachate Hauling:

Mrs. Minke indicated that they are currently using a container weighing approximately 9,000 pounds and are only allowed to haul a certain amount per load. Recently, they purchased a container weighing 1,300 pounds; so, they will be able to haul 1,000 to 1,500 gallons more per load. The staff hauls about 8.3 loads of leachate per day, and with the new container, they will be able to haul an extra 8,000 to 12,000 gallons per day. By using this new tank, their leachate hauling costs will be reduced by one-third. The machine will pay for itself in 2.25 months and the annual savings will be \$30,000.

Supervisor Vaughan asked how much it costs the County for the labor, vehicle, and fuel to haul the leachate and has it ever been competitively bid to an independent hauler. It was noted that the County used to pay Seal's Septic Service for the hauling and more was spent than hauling it ourselves. Supervisor Vaughan suggested that when hauling any form of waste, volume can save money and he would like to see if a tanker truck could be bought on site, which can hold four to five times and reduce the amount of hauling trips. He felt this should be investigated to see what type of savings might be realized. Mrs. Minke noted that the cost for wages and hauling fees is about \$80,000 annually to haul just over four million gallons. Supervisor Vaughan remarked that the County has to, at some point, break even at the landfill.

Warren County Contract:

Mrs. Minke informed the Board that the landfill is currently opening every Monday morning at 5:30 a.m., and if Monday is a holiday, then they open at 5:30 a.m. the morning after a holiday. The County is suffering an additional cost by opening at this hour with labor and equipment. On Mondays and the day after holidays, the landfill is open for 11 hours. She suggested meeting with Warren County to see if the Monday hours could be changed back to 8:00 a.m. to 4:00 p.m. She cited that scheduling is an issue because it requires the landfill to be staffed for 11 hours. Also, there are only a few weeks out of the year where it is daylight at 5:30 a.m. and it is dark the remainder of the year. In addition, the site is not only open for Warren County trash but to the County's citizens as well; however, there is no staff working at the citizen area because it is dark. Therefore, anything could be disposed of at this area and it would not be known. Safety issues also exist with operating the landfill when it is dark outside. She cited that in the Memorandum of Understanding (MOU) between Page County and Warren County, paragraph #5 states that the landfill is open from 8:00 a.m. to 4:00 p.m. Monday through Saturday, but paragraph #7 says that the landfill will open for Warren's haulers at 5:30 a.m. on the day after an observed holiday, on non-holiday Mondays or on the morning after a special closure. Therefore, #5 and #7 contradict each other.

Supervisor Vaughan suggested that she move forward with meeting with Warren County and inform them that Page County will no longer provide this service to them at 5:30 a.m.

Stanley Landfill Facility on Methane:

Mrs. Minke addressed the recent methane problem at Stanley Landfill. She reported that the septic tank was pumped and this had not been done since 2005 and could have

been a contributing factor to the methane issue. Also, a plastic bag of decomposing trash was dug up in the vicinity, removed, and hauled away. Once this was done, the methane was tested and no levels were detected. She said they have ordered methane detectors and once they are delivered, they will be installed in the building at the Stanley Compacting Site (former Stanley Landfill). Therefore, if methane is detected in the future the staff will be alerted immediately. She noted that there has never been any detection of methane in the building in the past.

**Planning Grant:**

Chairman Woodward mentioned that a planning grant was awarded to the County by the Department of Housing and Community Development and it was being administered by the Planning Department. Since Michelle Somers has assumed the duties of the Planning Department and will now be administering the grant, he asked that a Supervisor work with her in this effort. Supervisor Vaughan agreed to assist.

**Discussion of the Letter from the Economic Development Authority:**

Chairman Woodward indicated that a letter dated July 16, 2010, was received from Chairman Lowell Baughan of the Economic Development Authority (EDA) on their outstanding obligations in the total amount of \$22,237.68. One expense in the letter is for Robinson, Farmer, Cox for their annual audit in the amount of \$2,000.00. He noted that this bill is actually paid by the County because it is part of the County's audit. Another expense is from Appraisal USA for the Project Clover appraisal in the approximate amount of \$4,000.00. He pointed out that the Board has already voted not to fund this project.

Supervisor Vaughan commented that the Board has eliminated funding to the EDA and the request is a mute issue. The EDA needs to determine how their bills will get paid.

Supervisor Cave pointed out another expense is from Shenandoah Valley Electric Cooperative for the electric bill to the BB&T Center building for \$17.37 per month for EDA meetings held in the building when the meetings should be held in a County building. He pointed out that other expenses on the list included a charge of \$90.00 for the EDA's lunch from the Main Street Bakery, Civic Plus for their web site fee in the amount of \$620.00 a month, along with several other charges. In the letter, Mr. Baughan made reference to the financial obligations being contracted in "good faith". He suggested that Mr. Baughan should be thanked for his letter and informed that the County's budget process is over for this fiscal year.

Supervisor Cave continued with his comments and stated that, hours before Dr. Cardman was terminated, the EDA files were abruptly removed from the County Administrator's Office and transferred to the law offices of Reed & Reed, since Mr. Mark Reed is the Attorney for the EDA. He said the EDA documents are public documents and must be available for public inspection at a place the public can frequent during normal business hours. He pointed out that he went to Reed & Reed Office, as a citizen, asking to see the EDA files and an employee at the office stated she would have to get permission. Then, the files could not be produced because the employee did not



know where they were. He suggested the Board reply to the EDA's letter and encourage them to return the files to the County Administrator's Office where they can be viewed by the public during normal business hours, without having to get permission from someone. He expressed that he is not in favor of giving them any funding.

Supervisor Vaughan said the Board needs to evaluate what makes the most sense from an economic development and logical standpoint. This County wants economic development at a price we can afford. If the EDA can get out of these contractual obligations, then they need to do so. The Board, he said, needs to be able to present the County to potential business, but we want to make sure we are spending our money wisely. The Board needs to decide what the best decision is for Page County and the taxpayers. He would hate to see the work that has been generated, immediately stopped, and be a total waste.

Chairman Woodward noted that he is sending an email to Mr. Baughan for clarification on several of the expenses. Some of the expenses should have been paid from last fiscal year's budget.

Supervisor Short agreed with Supervisor Vaughan.

Supervisor Griffith suggested that maybe the EDA could sell some of their property to pay their expenses.

Supervisor Sours remarked that an email should be sent to Mr. Baughan to find out what expenses were incurred during last fiscal year. The Board should be able to review the contract for the EDA website and question why the monthly fee was agreed upon. In addition, why did they proceed with the appraisal of Project Clover after the Board voted not to spend any more money on this project? He pointed out the charge for postage of \$8.97 and said the postage machine at the Administration Building should be used. He did not feel like the Board could refuse to pay the expenses.

Supervisor Cave noted that this is an autonomous body who is structured under the Code of Virginia as separate and distinct entity from the Board of Supervisors. They do not have to report to the Board.

Chairman Woodward indicated that once he receives a response from Mr. Baughan he will inform the Board and then they can make a final decision.

### **SUPERVISORS TIME**

Supervisor Griffith thanked the citizens for attending the meeting and he expressed appreciation for the comments that were made.

Supervisor Sours thanked the citizens for attending the meeting. He expressed congratulations to Supervisor Griffith for his upcoming wedding.

Supervisor Cave thanked the citizens for attending the meeting in Shenandoah. He said he hopes no one took offense to the remarks he made concerning the EDA; however, he does not like the direction they have been moving in the past few years. The County needs economic development and we are open for business but we need to go about it differently.

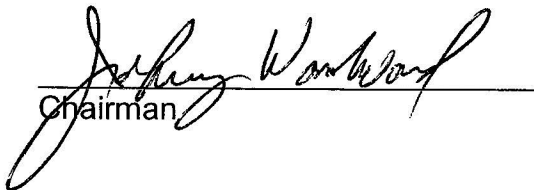
Supervisor Short expressed appreciation to the citizens who attended.

Supervisor Vaughan thanked everyone for attending. The Board understands the level of importance concerning the wasteful spending of the past and is focused on changing this. He said he is proud to be a member of the Board because they are headed in the right direction. He also noted that he is proud of the staff's work at the landfill.

Chairman Woodward thanked everyone for coming to the meeting. In addition, he thanked Ms. Lansberry and Ms. Smeltzer for their work and presentation on the landfill.

**Adjourn:** 10:43 p.m.

With no further business, Chairman Woodward adjourned the meeting.

  
Chairman